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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,416	03/13/2001	Kent H. Harle	39133-1007	2140

7590 09/25/2003

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EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,416

Applicant(s)

HARLE ET AL.

Examiner

Anne Marie M. Boehler

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1d9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. Claims 7, 17, and 29 are objected to because of the following informalities: In claims 7, 17, and 29, applicant recites the range "can" be within a particular range. It is not clear if this is a required element of the claim. In claim 29, "hear" should be -gear-. Appropriate correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 6, 8-12, 15, 16, 18-22, 24-26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasui (USPN 4,917,207).

Yasui shows a snowmobile with an engine 21 and a rigid support member (transmission case 29) next to the engine. The support member includes a transmission cavity that contains at least two gears (between drive shaft 28 and the shaft which mounts sprockets 47). Pulleys 25, 26, each have centrifugal clutches and are mounted at fixed positions relative to the support member.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui in view of Leonard (USPN 4,069,882).

Yasui lacks an isolation member between the engine and the drive pulley.

Leonard shows a snowmobile with an engine connected to a drive pulley 42 via an isolation member 50.

It would have been obvious to one of ordinary skill in the art to provide the Yasui drive shaft with an isolation member, as taught by Leonard, in order to reduce vibration transmission from the engine to the drive train.

6. Claims 4, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui in view of Juto.

Yasui is silent regarding a water pump mounted to the support member.

Juto shows a snowmobile with a water-cooled engine having a water pump 50 mounted near the engine.

It would have been obvious to a skilled artisan to water cool the engine, as is old and well known, and is taught by Juto, in order to keep the engine from overheating.

7. Claims 7, 17, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui in view of Rioux et al. (USPN 5,685,387).

Yasui teaches all of the claimed features except a gear ratio in the gearing that falls in the range of 1.5:1 to 2.0:1

Rioux '387 teaches a gear ratio of between 1.5:1 and 2.3:1 for a fixed reduction gear set (see col. 2, lines 27-32). Therefore, it would have been obvious to one of ordinary skill in the art to provide gearing with a reduction ratio of 1.5:1 to 2.3:1, as taught by Rioux, in order to provide appropriate gear reduction for a snowmobile.

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasui.

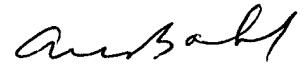
Yasui is silent regarding the use of cast aluminum for forming the support member. However, it is old and well known and would have been obvious to a skilled artisan to use aluminum in supporting structures for vehicles, in order to reduce the overall weight of the vehicle.

9. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M Boehler whose telephone number is 703-308-0422. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

 9/22/03
Anne Marie M Boehler
Primary Examiner
Art Unit 3611

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